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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,055	09/26/2003	Bharat T. Doshi	Doshi 58-10-27-19-36	1226
46850 7590 05/01/2008 MENDELSON & ASSOCIATES, P.C. 1500 JOHN F. KENNEDY BLVD., SUITE 405 PHILADELPHIA, PA 19102				
EXAMINER				
HO, CHUONG T				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/673,055

Applicant(s)

DOSHI ET AL.

Examiner

CHUONG T. HO

Art Unit

2619

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-12, 18, 19 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 8-12, 18 and 19 is/are allowed.
- 6) ☒ Claim(s) 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 04/04/08 have been entered and made of record.
2. Applicant's arguments with respect to claims 1-4, 8-12, 18, 19, 20-22, 24-25 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 04/04/08, 12/27/07 was filed after the mailing date of the Non Final Rejection on 10/03/07. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.
4. Claims 1-4, 8-12, 18, 19, 20-23, 24-25 are pending.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 20-23, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi et al. (U.S.2003/0147352 A1) in view of Sinha (U.S.Patent No. 6,904,462).

As to claim 20, Ishibashi et al. discloses a system for determining a restoration path corresponding to a primary path (301, 302) for a new service in a mesh network (page 1, [0004], multi-protocol label switching technology in a mesh network) having a plurality of nodes (figure 16, ABCDEF) interconnected by a plurality of links (figure 16, G1...G7), the system comprising:

For each link of a specified set of links in the network: (1) assigning an initial cost to the link (figure 16, page 11 [0148] the working path 302 has shared bandwidth of STS-3, the protection path 312 has shared bandwidth of STS-3); (2) determining whether the link's bandwidth can be shared with a new restoration path (shared bandwidth of protection path) for the new primary path ((shared bandwidth of working path).

However, Ishibashi et al. is silent to disclosing calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path.

Sinha discloses calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path (see abstract, a path cost is determined for at least two protection paths based on a sum of link costs associated with a respective protection paths. One of the at least two protection paths having the minimum path cost is selected to provide protection for the working path).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path taught by Sinha into the system of Ishibashi. One would have motivated to do so to utilize minimum bandwidth usage is desirable to reduce cost of routing information at economy of scale (Sinha col. 1, line 35).

However, the combined system (Ishibashi – Sinha) disclose the limitations of claim 20 above; however, the combined system (Ishibashi – Sinha) are silent to disclosing reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path.

Zang et al. (7,209,975) discloses reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path (col. 13, lines 30-32, the backup paths are rerouted to maximize backup resource sharing with respect to SRG constraints, and the working paths are rearranged to reduce the number of wavelengths-links that working path use).

Both Ishibashi, Sinha, and Zang disclose protection paths, SRG constraints. Zang recognizes reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration

path taught by Zang into the combined system (Ishibashi – Sinha) in order to cost of routing information at economy of scale (Sinha col. 1, line 35).

2. Regarding to claim 24, Ishibashi et al. discloses a system for determining a restoration path corresponding to a primary path (301, 302) for a new service in a mesh network (page 1, [0004], multi-protocol label switching technology in a mesh network) having a plurality of nodes (figure 16, ABCDEF) interconnected by a plurality of links (figure 16, G1...G7), the system comprising:

For each link of a specified set of links in the network: (1) assigning an initial cost to the link (figure 16, page 11 [0148] the working path 302 has shared bandwidth of STS-3, the protection path 312 has shared bandwidth of STS-3); (2) determining whether the link's bandwidth can be shared with a new restoration path (shared bandwidth of protection path) for the new primary path ((shared bandwidth of working path).

However, Ishibashi et al. is silent to disclosing calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path.

Sinha discloses calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path (see abstract, a path cost is determined for at least two protection paths based on a sum of link costs associated with a respective protection paths. One of the

at least two protection paths having the minimum path cost is selected to provide protection for the working path)

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path taught by Sinha into the system of Ishibashi. One would have motivated to do so to utilize minimum bandwidth usage is desirable to reduce cost of routing information at economy of scale (Sinha col. 1, line 35).

However, the combined system (Ishibashi – Sinha) disclose the limitations of claim 20 above; however, the combined system (Ishibashi – Sinha) are silent to disclosing reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path.

Zang et al. (7,209,975) discloses reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path (col. 13, lines 30-32, the backup paths are rerouted to maximize backup resource sharing with respect to SRG constraints, and the working paths are rearranged to reduce the number of wavelengths-links that working path use).

Both Ishibashi, Sinha, and Zang disclose protection paths, SRG constraints. Zang recognizes reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate reducing the link's cost

when it is determined that the link's bandwidth can be shared with the new restoration path taught by Zang into the combined system (Ishibashi – Sinha) in order to cost of routing information at economy of scale (Sinha col. 1, line 35).

3. Regarding to claim 21, Ishibashi discloses the limitations of claim 20 above.

However, Ishibashi is silent to disclosing wherein the specified set of links excludes links in the network that are not SRLG-disjoint from the links of the new primary path, wherein: a shared risk group (SRLG) is a set of two or more links, for which a failure of any one link in the SRLG is associated with a relatively high risk of failure of the other links in the SRLG; and two links are SRLG-disjoint when they are not members of any one SRLG.

Sinha discloses wherein the specified set of links excludes links in the network that are not SRLG-disjoint from the links of the new primary path, wherein: a shared risk group (SRLG) is a set of two or more links (col. 3, lines 65-67) , for which a failure of any one link in the SRLG is associated with a relatively high risk of failure of the other links in the SRLG; and two links are SRLG-disjoint when they are not members of any one SRLG (col. 2, lines 50-55).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the specified set of links excludes links in the network that are not SRLG-disjoint from the links of the new primary path, wherein: a shared risk group (SRLG) is a set of two or more links, for which a failure of any one link in the SRLG is associated with a relatively high risk of failure of the other links in the

SRLG; and two links are SRLG-disjoint when they are not members of any one SRLG taught by Sinha into the system of Ishibashi. One would have motivated to do so to utilize minimum bandwidth usage is desirable to reduce cost of routing information at economy of scale (Sinha col. 1, line 35).

4. Regarding to claim 22, Ishibashi discloses the limitations of claim 20 above.

However, Ishibashi is silent to disclosing wherein the exclusion of links in the network that are not SRLG-disjoint from the links of the new primary path is accomplished by assigning an infinite initial cost to those links.

Sinha discloses wherein the exclusion of links in the network that are not SRLG-disjoint from the links of the new primary path is accomplished by assigning an infinite initial cost to those links (col. 3, lines 63-64, col. 4, lines 12-15).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the exclusion of links in the network that are not SRLG-disjoint from the links of the new primary path is accomplished by assigning an infinite initial cost to those links taught by Sinha into the system of Ishibashi. One would have motivated to do so to utilize minimum bandwidth usage is desirable to reduce cost of routing information at economy of scale (Sinha col. 1, line 35).

5. Regarding to claim 23, the Ishibashi discloses the limitations of claim 20 above.

However, Ishibashi is silent to disclosing the method is implemented for each of a set of candidate primary paths, wherein a path pair cost is generated for each candidate

primary path as the sum of the path cost of the candidate primary path and the path cost of the corresponding minimum-cost restoration path; and the method further comprises selecting: i) candidate primary path from the set of candidate restoration paths and (ii) the corresponding minimum-cost restoration path that together have the lower path pair cost .

Sinha discloses the method is implemented for each of a set of candidate primary paths, wherein a path pair cost is generated for each candidate primary path as the sum of the path cost of the candidate primary path and the path cost of the corresponding minimum-cost restoration path; and the method further comprises selecting: i) candidate primary path from the set of candidate restoration paths and (ii) the corresponding minimum-cost restoration path that together have the lower path pair cost (see abstract, a path cost is determined for at least two protection paths based on a sum of link costs associated with a respective protection paths. One of the at least two protection paths having the minimum path cost is selected to provide protection for the working path).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method is implemented for each of a set of candidate primary paths, wherein a path pair cost is generated for each candidate primary path as the sum of the path cost of the candidate primary path and the path cost of the corresponding minimum-cost restoration path; and the method further comprises selecting: i) candidate primary path from the set of candidate restoration paths and (ii) the corresponding minimum-cost restoration path that together have the lower path pair

cost taught by Sinha into the system of Ishibashi. One would have motivated to do so to utilize minimum bandwidth usage is desirable to reduce cost of routing information at economy of scale (Sinha col. 1, line 35).

6. Regarding to claim 25, Sinha discloses a first link in the network is part of two or more different restoration paths, wherein each restoration path corresponds to a different primary path (figure 20).

However, the combined system (Ishibashi – Sinha) are silent to disclosing the network manager use of sharing information to determine how much protection bandwidth to reserve on the first link for the two or more protection paths in such a way that the restoration bandwidth reserved on the first link is shared between the restoration path of the two or more different primary path.

Zang discloses the network manager use of sharing information to determine how much protection bandwidth to reserve on the first link for the two or more protection paths in such a way that the restoration bandwidth reserved on the first link is shared between the restoration path of the two or more different primary path (col. 13, lines 30-32, the backup paths are rerouted to maximize backup resource sharing with respect to SRG constraints, and the working paths are rearranged to reduce the number of wavelengths-links that working path use).

Both Ishibashi, Sinha, and Zang disclose protection paths, SRG constraints. Zang recognizes the network manager use of sharing information to determine how much protection bandwidth to reserve on the first link for the two or more protection

paths in such a way that the restoration bandwidth reserved on the first link is shared between the restoration path of the two or more different primary path. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the network manager use of sharing information to determine how much protection bandwidth to reserve on the first link for the two or more protection paths in such a way that the restoration bandwidth reserved on the first link is shared between the restoration path of the two or more different primary path taught by Zang into the combined system (Ishibashi – Sinha) in order to cost of routing information at economy of scale (Sinha col. 1, line 35).

7. Claims 20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishibashi et al. (U.S.2003/0147352 A1) in view of Sinha (U.S.Patent No. 6,904,462).

As to claim 20, Ishibashi et al. discloses a system for determining a restoration path corresponding to a primary path (301, 302) for a new service in a mesh network (page 1, [0004], multi-protocol label switching technology in a mesh network) having a plurality of nodes (figure 16, ABCDEF) interconnected by a plurality of links (figure 16, G1...G7), the system comprising:

For each link of a specified set of links in the network: (1) assigning an initial cost to the link (figure 16, page 11 [0148] the working path 302 has shared bandwidth of STS-3, the protection path 312 has shared bandwidth of STS-3); (2) determining whether the link's bandwidth can be shared with a new restoration path (shared bandwidth of protection path) for the new primary path ((shared bandwidth of working path).

However, Ishibashi et al. is silent to disclosing calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path.

Sinha discloses calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path (see abstract, a path cost is determined for at least two protection paths based on a sum of link costs associated with a respective protection paths. One of the at least two protection paths having the minimum path cost is selected to provide protection for the working path).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path taught by Sinha into the system of Ishibashi. One would have motivated to do so to utilize minimum bandwidth usage is desirable to reduce cost of routing information at economy of scale (Sinha col. 1, line 35).

However, the combined system (Ishibashi – Sinha) disclose the limitations of claim 20 above; however, the combined system (Ishibashi – Sinha) are silent to disclosing reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path.

Kusano et al. (5,933,422) discloses reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path (col. 7, lines 56-58, reducing the bandwidth of an existing virtual path "link's cost" sharing said one link with said alternate virtual path "restoration path", col. 8, lines 47-49).

Both Ishibashi, Sinha, and Kusano disclose protection paths, SRG constraints. Kusano recognizes reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path taught by Kusano into the combined system (Ishibashi – Sinha) in order to cost of routing information at economy of scale (Sinha col. 1, line 35). Therefore, the combined system have guaranteed the required bandwidth for the pre-established connection (Kusano, col. 1, line 42).

8. Regarding to claim 24, Ishibashi et al. discloses a system for determining a restoration path corresponding to a primary path (301, 302) for a new service in a mesh network (page 1, [0004], multi-protocol label switching technology in a mesh network) having a plurality of nodes (figure 16, ABCDEF) interconnected by a plurality of links (figure 16, G1...G7), the system comprising:
For each link of a specified set of links in the network: (1) assigning an initial cost to the link (figure 16, page 11 [0148] the working path 302 has shared bandwidth of STS-3,

the protection path 312 has shared bandwidth of STS-3); (2) determining whether the link's bandwidth can be shared with a new restoration path (shared bandwidth of protection path) for the new primary path ((shared bandwidth of working path).

However, Ishibashi et al. is silent to disclosing calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path.

Sinha discloses calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path (see abstract, a path cost is determined for at least two protection paths based on a sum of link costs associated with a respective protection paths. One of the at least two protection paths having the minimum path cost is selected to provide protection for the working path).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path taught by Sinha into the system of Ishibashi. One would have motivated to do so to utilize minimum bandwidth usage is desirable to reduce cost of routing information at economy of scale (Sinha col. 1, line 35).

However, the combined system (Ishibashi – Sinha) disclose the limitations of claim 20 above; however, the combined system (Ishibashi – Sinha) are silent to disclosing reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path.

Kusano et al. (5,933,422) discloses reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path (col. 7, lines 56-58, reducing the bandwidth of an existing virtual path "link's cost" sharing said one link with said alternate virtual path "restoration path", col. 8, lines 47-49).

Both Ishibashi, Sinha, and Kusano disclose protection paths, SRG constraints. Kusano recognizes reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path taught by Kusano into the combined system (Ishibashi – Sinha) in order to cost of routing information at economy of scale (Sinha col. 1, line 35). Therefore, the combined system have guaranteed the required bandwidth for the pre-established connection (Kusano, col. 1, line 42).

Allowable Subject Matter

9. Claims 1-4, 8-12, 18, 19 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: Claim 1 is allowed. Ishibashi et al. (2003/0147352) discloses a system for determining a restoration path corresponding to a primary path (301, 302) for a new service in a mesh network (page 1, [0004], multi-protocol label switching technology in a mesh network) having a plurality of nodes (figure 16, ABCDEF) interconnected by a plurality of links (figure 16, G1...G7), the system comprising:

For each link of a specified set of links in the network: (1) assigning an initial cost to the link (figure 16, page 11 [0148] the working path 302 has shared bandwidth of STS-3, the protection path 312 has shared bandwidth of STS-3); (2) determining whether the link's bandwidth can be shared with a new restoration path (shared bandwidth of protection path) for the new primary path ((shared bandwidth of working path).

Sinha (6904462) discloses calculating the minimum-cost restoration path for the new primary path using the specified set of links, wherein the cost of the minimum-cost restoration path is based on the sum of the cost of the links of the minimum-cost restoration path (see abstract, a path cost is determined for at least two protection paths based on a sum of link costs associated with a respective protection paths. One of the at least two protection paths having the minimum path cost is selected to provide protection for the working path).

Zang et al. (7,209,975) discloses reducing the link's cost when it is determined that the link's bandwidth can be shared with the new restoration path (col. 13, lines 30-32, the backup paths are rerouted to maximize backup resource sharing with respect to

SRG constraints, and the working paths are rearranged to reduce the number of wavelengths-links that working path use).

The prior art however fails to disclose (iv) reducing the link cost by a factor R for each link of each candidate restoration path for which sharing is possible, wherein the factor R is a function of a sharing degree for each link; and (v) when sharing is not possible, then: (a) determining whether utilization of the link is greater than a specified threshold; (b) when the link utilization is greater than the specified threshold, then assigning the link cost as a function of an administrative weight for the link and available capacity on the link; and (c) when the link utilization is less than the specified threshold, then assigning the link cost as a function of the administrative weight for the link.

Claims 18 is allowed. The prior art failed to disclose (B) selecting the restoration for the new service based on the path cost for each candidate restoration path, wherein the sharability of a link in a candidate restoration path is represented by a sharing degree for the link, wherein the sharing degree is a maximum number of additional unit-bandwidth primary services that can be added to the candidate primary path without increasing restoration bandwidth reserved on the link, wherein the sharing degree SD for a link is given by: $SD = \text{the maximum value } m \text{ for which } \max \{m \cdot V(pnl) + V(nla)\} = RB$, wherein $Vpnl$ is a primary path node link vector for the corresponding candidate primary path; $Vnpl$ is an aggregate node link vector for the link; and RB is current reservation bandwidth on the link.

Claim 19 is allowed. The prior art failed to disclose selecting one of the candidate primary paths for the new service based on minimum path pair cost, wherein the plurality of candidate primary paths comprises: K minimum cost paths for the new service where the path cost of each candidate primary path is calculated as a function of the link costs of the links of the candidate primary path, and the link costs are calculated by: (i) determining whether utilization of the link is greater than a specified threshold; (ii) when the link utilization is greater than the specified threshold, then generating the link cost as a function of an administrative weight for the link and available capacity on the link; and (iii) when the link utilization is less than the specified threshold, then generate the link cost as a function of the administrative weight for the link.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571)272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2619

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

04/23/08

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2619